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Mission permanente du Portugal
Genève

HUMAN RIGHTS COMMISSION

45TH SESSION

- ITEM 12 -

Ambassador António Costa Lobo

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MISSÃO PERMANENTE DE PORTUGAL

GENEBRA

The international community believes that the discussion of the violations of human rights in any part of the world contributes, or may contribute, to eliminate or restrain some of those violations, and to reinforce the respect of human rights throughout the world. This is done in several different ways.

The first, and the more generally recognized but by no means the only one, is the pressure that this discussion undeniably puts on the governments accused of perpetrating, or tolerating, violations of human rights. As observed by Professor David Weissbrodt, in 1983, "The principal remedy of human rights violations has been and probably for some time will be embarrassement or the threat of embarrassement".

In relation to governments facing difficulties to ensure the respect of human rights but willing to redress the situation, the discussion of those cases may bring forms of international cooperation which may lead to an improvement of the situation.

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Another contribution towards the enhancement of human rights which also comes from the discussion of specific situations is the development and reenforcement of mechanisms of protection, which of course depends on a clear perception of the needs and problems that actually exist.

Not less important is the encouragement that the discussion of concrete situation gives to the victims of human rights violations, as well as to those who devote their time and energy to promote respect for human rights all over the world. Silence would represent the worst punishment to add to the sufferings of the victims of human rights violations, as well as a way to discourage human rights defenders. This Commission, as well as any other organs concerned with the protection of human rights, may sometimes feel unable to redress a certain situation. But this feeling must never lead to the attitude of giving up.

2. The Human Rights Commission is not a World Court, and the objective of its activities is not to pass judgments on concrete situations, but to contribute towards the improvement of such situations.

The assessment of concrete situations is the basis from which it is possible to build some constructive approach, but it is not in itself the purpose of the Commission's activities. The acceptance of this conception may encourage the indispensable cooperation between the Commission and the countries under consideration. In this perspective, we would like to address our appeal to the authorities of one country - Albania - which systematically has refused to cooperate, in due time and in the appropriate way, with the Human Rights Commission, to reconsider their attitude.

3. With the mechanisms presently available to this Commission, very often it is impossible to get completely reliable information concerning concrete situations. The delegations have the responsibility to try to resort to the best possible sources of information, and the obligation not to present as undisputed facts all the allegations that come to their knowledge. But they cannot discard all the reports that they are unable to verify with total certitude. Otherwise, we would be rewarding the countries that prevent impartial observation from independent sources, because in these countries, most of the times, it is not possible to verify concrete allegations.

Professor Galindo Pohl, in a recent report on a country situation, stated that "it is not advisable to

dismiss any allegation on the mere ground of the supposed political bias of the source collecting the information". This statement does not mean (at least in our interpretation) that allegations may not need further verification, nor that all allegations deserve equal credibility. Anyway, if a country feels that it is beeing unjustly accused, we think that its best reaction would be to open its doors - or to keep its doors open - to impartial observation.

4. This Commission, and of course each delegation, must avoid selectivity, and, particularly, selectivity based on political or ideological considerations. But the fact that references to individual countries or regions is not proportional to the gravity of the situations there, does not mean necessarily that this "unbalance" is a consequence of an attitude of selectivity. This Commission, which does not yet have a structure permitting that situations all around the world are examined in a systematic way, in a certain measure has to act as sound box intensifying the protests against human rights violations. Accordingly, the special attention given by this Commission to certain situations may very often be explained by the fact that in the country or region at stake, although there are human rights violations, there is also a general awareness of those rights and the will to fight for the suppression of their

abuse. This is already a positive factor in comparison with countries where the system has been able to suffocate every tentative on the part of the population to assert their human rights.

Last year, and in the course of this session our delegation has had the opportunity to express views related to the precedent observation when interpreting the frequency of references to certain latin-american countries, namely in the report on enforced or involuntary disappearances.

5. International relations are going through a period of change characterized by a greater detente, and a certain progress in the solution of regional conflicts. Does this new situation have any relevance for the international protection of human rights ?

I would submit that greater detente does not automatically lead to a greater respect for human rights. But, certainly, it facilitates international cooperation in every area, and international protection of human rights does not seem to be an exception. As recognized by the Special Rapporteur on summary or arbitrary executions, it is in an atmosphere of peace that human rights can be garanteed and that the national institutions established to protect human rights and enable persons to enjoy them can be strengthened and operate effectively.

The solution of regional conflicts my also prove to be beneficial to the respect of human rights. Certainly we do not accept that the existence of hostilities may justify the violations of human rights, and we would like to recall that the Geneva Convention set the minimum standards that have to be observed during war or armed conflicts. Besides, we have to admit that the solution, or progress towards the solution, in armed conflicts, does not always lead to the improvement of the human rights that could have been expected. And as a matter of fact, despite the cease-fire between Iran and Iraq, Mr. Galindo Pohl still has to report the existence of mass executions and other serious violations in Iran, while the report of Mr. Wako and of the Working Group of disappearances mention credible allegations of human rights violations taking place in Iraq, namely against the Kurdish population. Recent reports concerning the abuse of human rights of children are particularly disturbing.

Mr. Chairman,

6. In what concerns other country situations we would like at the outset to refer to the statement made by the Minister of External Relations of Spain in the name of the Twelve members of the European Community which, of course, we fully subscribe. Consequently we will limit ourselves

to add a few comments in relation to some situations or groups of situations.

7. Although each situation has its own specificity, some of them present common aspects which may be useful to identify.

8. In some situations the violation of human rights is the inevitable consequence of the social system. The typical example is South Africa, where social structure is based on the system of apartheid.

9. In some other countries the violation of human rights place is such a systematic way that they also seem to be related to certain basic elements of the regime itself. Romania appears to present, at moment, the more preocupying situation in this respect. The "systematization programme", the compulsory displacement of people, and the absence of respect for the cultural specificity of certain groups, brings a great suffering to a large part of the population. This explains the movement of solidarity towards the Romanian people that emerges from several quarters all over the world.

10. A group of situations with some affinities is the one of territories where self-determination is denied.

In our statement on item 9 we have referred, amongst other, to the situations in Namibia, in the arab occupied territories, in Kampuchea and in East Timor. In relation to this last territory Portugal has specific historical and legal responsabilities, which impose on us the obligation of making special efforts in order to try to improve the enjoyment of human rights by the East Timorese.

If the denial of the right to self-determination to a population of a certain territory is always a source of violations of other human rights, the situation is particularly disturbing if the territory in question - East Timor - is occupied by a country - Indonesia - whose shortcomings in the field of human rights are well illustrated by the fact of beeing referred to, this year, in four thematic reports presented to this Commission.

We could proceed, in this respect, with an enumeration of allegations concerning the different forms of violation of human rights in East Timor. But the statement made before the Commission by an East Timorese, on behalf of the Antislavery Society, is probably more eloquent than the presentation we could make, and completes in a more impressive way the information that is already at the disposal of this Commission. Besides, the statement of

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Mr. João Reis may be considered as an example of hundreds or thousands of statements of a similar nature that could be produced by other Timorese victims of human rights violations.

11. Some of the situations which present the most extensive and dramatic forms of violations of human rights are those which take place in countries or regions devastated by civil wars or by terrorist activities.

The first observation my delegation would like to make in relation to these situations is to stress that the obligation to respect human rights applies to Governments as well as to groups outside government control. It is, therefore, indispensable to be fair in the evaluation of responsibilities.

We would also like to emphasize that, in spite of the complexity of these situations, no side may ever be considered except from respecting human rights. Governments, in particular, have the obligation to punish those individuals who are responsible for atrocities or for other forms of human rights violations.

We have strong sympathy for countries confronted with terrorism, internal struggles or political instability, as

it is the case in Guatemala, Honduras, Peru and Colombia. While following the situations in those countries with interest and concern, we support international cooperation aimed at the protection of human rights in the respective territories.

12. The groups of situations we have just considered, which in anyway can never dismiss the need of analysing specifically each case whenever we discuss country situations or make proposals in relation to them, do not, of course, include all the situations of human rights violations that actually persist. Besides the cases we have already mentioned in the course of our remarks, we would like to state our particular concern in relation to the situations in El Salvador, Haiti, Burma, Syria, Burundi and Somalia.

One of the situations that is requiring the attention of this Commission since a very long time is the one in Chile. The existing information concerning detentions, disappearances and the functionning of justice continues to give rise to justified preoccupation. But we welcome the positive developments that took place in the recent past, and we would like to subscribe the hope expressed by the Special Rapporteur that the situation will improve in 1989 and that the progress will be consolidated.

We are aware that, in the absence of mechanisms allowing a global and sistematic monitoring of country situations, it is very difficult to avoid unbalances in the references to the various cases.

We must therefore continue to try to reinforce the mechanisms that already exist and, in the spirit of the last paragraph of the common statement of the Twelve, to consider the introduction of new ones.

In the meantime, we must utilize the methods of work that presently exist to the best of our ability.

Victims of human rights violations cannot wait.